

DEPARTMENT OF THE ARMY PERMIT

DUPLICATE

Permittee: Palm Beach County
Attn: Ms. Audrey Wolf
3323 Belvedere Road
West Palm Beach, FL 33406

Permit No. SAJ-2004-2859(IP-AAZ)

Issuing Office: U.S. Army Engineer District, Jacksonville

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: The applicant proposes to construct a biotechnology research park with supporting amenities on 535 acres. The development includes the construction of the Scripps Research Institute on 183 acres of land, a 30-acre town center with commercial and multi-family residential housing, a 27-acre clinic/hospital, a 15-acre utility site, three surface water management lakes (87 acres in total), 87 acres of upland hardwood forests, and 93 acres of open space. As a result, the project includes impacts to 21.3 acres of jurisdictional drainage ditches by placing approximately 293,900 cubic yards of fill over 20.1 acres of ditches, and dredging approximately 39,950 cubic yards of 1.2 acres of ditches for the creation of surface water management lakes. The existing open water quarry will be expanded from its current size of 27.6 acres to 48 acres. Including the quarry expansion, approximately 59.7 acres of surface water management lakes will be constructed. The project is as shown and described on the attached plans labeled Palm Beach County Biotechnology Research Park-SCRIPPS in 19 sheets, dated December 9, 2004.

Project Location: The project is located in waters of the United States in the northeast corner of the intersection of Seminole Pratt Whitney Road and 100th Lane North in Sections 7 and 8, Township 42S, Range 41E, Palm Beach County, Florida.

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Latitude - 26°49'30" north

Longitude 80°17'33" west

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **February 22, 2009**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature and mailing address of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure

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that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. Fill material used with this project shall be limited to suitable, clean fill material, which excludes materials such as trash, debris, car bodies, asphalt, construction materials, concrete block with exposed reinforcement bars, and any soils contaminated with any toxic substance in toxic amounts (see Section 307 of the Clean Water Act).
2. Reduction and/or elimination of turbid water conditions in adjacent waterbodies are to be achieved through the use of silt curtains or screens in the construction during periods of fill placement.
3. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date.
4. Within one year of the date of this permit, the permittee shall plant the surface water management ponds with wetland plant species in the 12-foot littoral shelf (approximately 6.6 acres). The littoral shelves shall be maintained with coverage of at least 80% native wetland plant species and with less than 5% nuisance plant species and less than 1% exotic plant species in perpetuity. The planting shall be conducted in accordance with the mitigation plan submitted to the Corps dated 9 December 2004.
5. Within one year of the date of this permit, the permittee shall plant native upland plant species within the minimum 50-foot native upland buffer located on the eastern border of the site adjacent to the Vavrus Ranch and the 150-foot native upland buffer located on the southern border of the site between the stormwater pond and the Acreage development. The upland buffers shall be maintained with coverage of at least 80% native upland plant species and with less than 5% nuisance plant species and less than 1% exotic plant species in perpetuity. The planting shall be conducted in accordance with the mitigation plan submitted to the Corps dated 9 December 2004.

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6. The permittee shall subsequently submit annual monitoring reports for a period of five years, the first no later than one year after the submission of the initial report. Each monitoring report shall provide a narrative, professional biological opinion of the condition of the conservation area, a plan view describing the vegetative community, a list of species and their percent cover for each community, the percent cover of wetland and of exotic plant species, the sum of the survivors of those planted plus those recruited, a description of any unusual climatic or other factors, and panoramic photos from the same points as where the photos for the initial report.

7. The mitigation areas shall be considered successful when all of the following criteria are met: the canopy of native wetland plant species reaches 80 percent cover (that is, the sum of the survivors of those planted plus those recruited); the number of individual plants per unit area (the sum of survivors of those planted plus those recruited) equals 80% of the number of individuals planted; the vegetation, planted or existing, must show evidence of normal growth and reproduction, and the attached WRAP scores are achieved within two years from the date of permit issuance. If the wetland mitigation areas have not reached the projected WRAP scores at the end of the second year of monitoring, the Corps will determine if the "with-project" WRAP scores can be achieved with additional planting, excavation, monitoring, changes in control elevations, and/or other actions to achieve these scores. If the Corps determines the projected WRAP scores cannot be achieved, the permittee will be required to provide additional mitigation.

8. The preserved areas, comprising of the 6.6 acres of littoral areas, the minimum 50-foot native upland buffer located on the eastern border of the site, and the 150-foot native upland buffer located on the southern border of the site shall be placed under a conservation easement. Within one year from the date of permit issuance, the permittee will have a legally sufficient conservation easement prepared to ensure that the wetland areas will remain in their natural state in perpetuity. The conservation easement will encompass the 6.6 acres of littoral areas. These natural preserve areas will not be disturbed by any dredging, filling, land clearing, agricultural activities, planting, or other construction work whatsoever. The permittee agrees that the only future utilization of the preserved areas in question will be as a purely natural area.

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The permittee will prepare the proposed conservation easement, including a legal description, survey, and scale drawings, of the area in question and furnish the same to the Jacksonville District Office of Counsel, c/o the Regulatory Division, Enforcement Section, Post Office Box 4970, Jacksonville, Florida 32232-0019, for legal review and approval.

9. Within 30 days of U.S. Army Corps of Engineers' approval of the proposed easement, the permittee will record the easement in the public records of Palm Beach County, Florida. A certified copy of the recorded document, plat, and verification of acceptance from the grantee will be forwarded to the Jacksonville District Office. The recordation and notification to the District Office must occur prior to the discharge of any additional fill authorized under this permit.

10. The permittee must show that it has clear title to the real property and can legally place it under a conservation easement. Along with the submittal of the draft conservation easement, the Permittee shall submit a title insurance commitment for the property, which is being offered for preservation. Any existing liens or encumbrances on the property must be subordinated to the conservation easement. At the time of recordation of the conservation easement, a title insurance policy must be provided to the Corps in an amount equal to the current market value of the property.

11. In the event the permit is transferred, proof of delivery of a copy of the recorded conservation easement to the subsequent permittee or permittees must be submitted to the Corps together with the notification of permit transfer.

12. Grantee shall not assign its rights or obligations under this conservation easement except to another organization qualified to hold such interests under the applicable state and federal laws, including §704.06 Florida Statutes, and committed to holding this conservation easement exclusively for conservation purposes. The Corps shall be notified in writing of any intention to reassign the conservation easement to a new grantee and must approve the selection of the grantee. The new grantee must accept the assignment in writing and a copy of this acceptance delivered to the Corps. The conservation easement must then be re-recorded and indexed in the same manner as any other instrument affecting title to real property and a copy of the recorded conservation easement furnished to the Corps.

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13. The permittee shall comply with the attached Eastern Indigo Snake Construction Precautions.

14. Within 90 days of permit issuance, the permittee shall restrict the discharge to the C-18 Canal through the modification of the existing gravity discharge structure from the impoundment to the C-18 Canal. The permittee shall install an additional weir plate and remove the pump that currently discharges from the ditches directly into the C-18.

15. Within 60 days of the authorized work and completion of the mitigation, the attached Self-Certification Statement of Compliance must be completed and submitted to the Corps. Mail the completed form to the Regulatory Division, Enforcement Section, Post Office 4970, Jacksonville, Florida 32232-0019.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the Rivers and Harbors Act of 1899
(33 U.S.C. 403).

(X) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.

b. This permit does not grant any property rights or exclusive privileges.

c. This permit does not authorize any injury to the property or rights of others.

d. This permit does not authorize interference with any existing or proposed Federal projects.

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3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures

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such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

(PERMITTEE)
MS. AUDREY WOLF
PALM BEACH COUNTY

(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

(DISTRICT ENGINEER)
ROBERT M. CARPENTER
Colonel, U.S. Army

(DATE)

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When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

(TRANSFEREE-SIGNATURE)

(DATE)

(NAME-PRINTED)

(ADDRESS)

(CITY, STATE, AND ZIP CODE)

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Attachments to Department of the Army Permit Number SAJ-2004-2859(IP-AAZ)

1. PERMIT DRAWINGS: Permit drawings are included as attachments #1 through #19, labeled Palm Beach County Biotechnology Research Park-SCRIPPS, of 22 pages, dated December 9, 2004.
2. WRAP SHEETS: The Wetland Rapid Assessment Procedure sheets are included as attachments #20-23, which are incorporated into and made part of this permit.
3. WATER QUALITY CERTIFICATION: In accordance with General Condition number 5 on page 2 of this DA permit, the South Florida Water Management District Water Quality Certificate (No. 50-06087-P), issued on September 4, 2003 Limiting and Special Conditions are enclosed as attachments #25, #25, and #26.